## TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

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amendment filed by Senator Wickersham, I think we may even be able to take that amendment, and if it is adopted, I'm hoping that the consensus that the bill enjoyed on General File might even expand a bit further. Over the course of the past year, I spent quite a number of hours discussing this bill one-on-one with quite a number of you, and whether the interest groups who watch these things categorize you as a pro-life senator or as a pro-choice senator, I want you to know that I have sincerely appreciated the candor and the honesty of our They've been very helpful to me in the writing of discussions. the consensus language that is now before us. As you can easily see from the comparison of the language in the consensus bill as contrasted with that of the green copy, I certainly did not get every thing that I originally set out to get, but that's, of course, the nature of the legislative process. And I realize that there is still a small number of you who have continuing concerns about the use of the term "unborn child." The bill before you does, indeed, use that term just as many, many other pieces of legislation over the past quarter century have used In fact, the term "unborn child" or "unborn person" or simply the "unborn" can be found in at least 37 different instances in the Nebraska legal code, and those 37 instances are scattered across 12 different sections of law. exception of those senators who are new to the office, you have probably already voted for legislation that uses the term "unborn child." In short, we are creating no new precedent here by using that term. Likewise, the laws of most other states use the term "unborn child," and the federal courts have very little difficulty with the term. In fact, the U.S. Supreme Court uses the term with great frequency. In <u>Roe v. Wade</u>, example, Justice Blackmun, writing for the majority, noted that "unborn children have been recognized as acquiring rights or interests by way of inheritance or other devolution of property and have been represented by guardians ad litem." In other U.S. Supreme Court decisions relating to the abortion question, the Supreme Court, in majority opinions, have used the term "unborn child" in about 20 different instances. Finally, the U.S. Congress uses the term "unborn child" and the term can be found in a rather long list of instances in federal law. to the General File debate, I filed three amendments for Select File consideration, not knowing where we would be at this point